

1925. Adulteration and misbranding of adhesive bandages. U. S. v. 274 Cartons of Adhesive Bandages. Default decree of condemnation and destruction. (F. D. C. No. 17547. Sample No. 14865-H.)

LIBEL FILED: March 4, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about December 8 and 18, 1945, by the Benley Co., from New York, N. Y.

PRODUCT: 274 cartons of *adhesive bandages* at Allegan, Mich.

LABEL, IN PART: (Carton) "3 Dozen Envelopes Waterproof Mercurochrome Gotham Stickrite Adhesive Bandages Manufactured By Gotham Aseptic Laboratory Co., Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be adhesive absorbent gauze (adhesive absorbent compress), a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the standard set forth in the Pharmacopoeia since it was not sterile.

Misbranding, Section 502 (g), the article was not packaged as prescribed in the Pharmacopoeia, since that compendium provides that "Each Adhesive Absorbent Gauze is packaged individually in such manner that sterility is maintained until the individual package is opened. One or more individual packages are packed in a second protective container."

DISPOSITION: June 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1926. Adulteration and misbranding of prophylactics. U. S. v. 14½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 19736. Sample No. 42823-H.)

LIBEL FILED: April 30, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about March 22, 1946, by the Goodwear Rubber Co., from New York, N. Y.

PRODUCT: 14½ gross of *prophylactics* at Baltimore, Md.

LABEL, IN PART: "Silver-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the product fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statement "Prophylactics" was false and misleading since the product contained holes.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1927. Adulteration and misbranding of prophylactics. U. S. v. 44 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 20076. Sample No. 35735-H.)

LIBEL FILED: June 6, 1946, Eastern District of Missouri; amended libel filed on or about June 10, 1946.

ALLEGED SHIPMENT: On or about April 10, 1946, by the World Merchandise Exchange, from New York, N. Y.

PRODUCT: 44 gross of *prophylactics* at St. Louis, Mo. Examination of 96 samples showed that 7.3 percent were defective in that they contained holes.

LABEL, IN PART: "Smithies Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to the article, which contained holes.

DISPOSITION: July 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE**

1928. Misbranding of Starke Inhaler and Starke Inhalant. U. S. v. Charles J. Crafe (Lewis E. Starke Pharmacal Co.). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 17841. Sample No. 31440-H.)

INFORMATION FILED: March 11, 1946, Eastern District of Missouri, against Charles F. Crafe, trading as the Lewis E. Starke Pharmacal Co., St. Louis, Mo.

*See also Nos. 1904, 1905, 1907, 1918, 1921-1924, 1926, 1927.

**See also No. 1946.

ALLEGED SHIPMENT: On or about May 18, 1945, from the State of Missouri into the State of California.

PRODUCT: The *Starke Inhalant* consisted of a brown liquid containing, chiefly, water, alcohol, glycerin, guaiacol, oil of eucalyptus, menthol, and free iodine. It was accompanied by a glass device designed to enable the user to inhale vapors from the liquid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in a booklet entitled "Facts About Starke Inhalant and the Starke Inhaler," which was enclosed in packages containing the articles, were false and misleading since they represented and suggested that the articles would be effective in the prevention and treatment of sinusitis, bronchitis, influenza, pneumonia, tonsillitis, bronchial asthma, la grippe, nasal catarrh, whooping cough, rose cold, and hay fever; and that the vapors of the inhalant would be capable of destroying germs in the nose, throat, and chest. The articles would not be effective for the purposes represented.

Further misbranding, Section 502 (b) (2), the label on the carton containing the inhalant failed to bear a statement of the quantity of the contents; and, Section 502 (e) (2), it failed to bear the common or usual name of each active ingredient of the inhalant.

DISPOSITION: April 18, 1946. A plea of nolo contendere having been entered, the court imposed a fine of \$25.

1929. Misbranding of electric bulbs. U. S. v. 11 Electric Bulbs and 35 Circulars and 2 Display Cards. Default decree of condemnation and destruction. (F. D. C. No. 16671. Sample No. 27022-H.)

LABEL FILED: July 11, 1945, District of Montana.

ALLEGED SHIPMENT: By the U. S. Hospital Supply Co., from Minneapolis, Minn. The bulbs were shipped on or about June 7, 1945, and the circulars and display cards were shipped on or about November 18, 1944.

PRODUCT: 11 unlabeled *electric bulbs* at Helena, Mont., together with 35 circulars entitled "A New Scientific Development" and 2 display cards entitled "Now! Deep Infra-Red Ray From Any Light Socket." The electric bulbs were made of ruby glass, partially silvered on the inside, and were designed to produce heat.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling were false and misleading since they represented and implied that the article would be an adequate treatment for the conditions named, whereas the only therapeutic function of the article would be the production of heat, and heat does not constitute an adequate treatment for such conditions: (Circular and placard) "Prostatic Troubles Sprains * * * Sinus trouble Neuralgia Rheumatism Lumbago Neuritis Pleurisy Pneumonia Tonsillitis Influenza Arthritis Bronchitis Catarrh Asthma Fractures Womens ailments Deafness Ear Trouble Skin diseases Torticollis Boils when open Cholecystitis Endocarditis Low red blood count To Raise Lowered Vitality To Improve Nervous System To Relieve Pain * * * To Improve Circulation To Promote Absorption of Exudate To Increase Red Blood Count And many others"; (placard) "For superficial conditions, such as infections, acute inflammations * * * deep-seated lesions * * * for general systematic treatment * * * tends to induce active circulation."

DISPOSITION: September 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product and printed matter were ordered destroyed.

1930. Misbranding of Vrilium Catalytic Barium Chloride. U. S. v. 5 Tubes of Vrilium Catalytic Barium Chloride, and a number of labels and leaflets. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 19702. Sample No. 15878-H.)

LABEL FILED: April 24, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about December 11, 1945, by Dr. Raymond C. Kistler, from Chicago, Ill.

PRODUCT: 5 tubes of *Vrilium Catalytic Barium Chloride* at Wyandotte, Mich., together with 5 labels reading, in part, "Vrilium Catalytic Barium Chloride in combination with slight quantities of other elements," and 5 leaflets entitled "General Directions." Examination showed that the product was a small metal pencil-shaped tube containing a glass vial of a white granular